

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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MAY 6 1997

In the Matter of )  
)  
Bell Atlantic Petition for Forbearance from )  
Application of Section 272 of the )  
Communications Act of 1934, as amended; )  
to Previously Authorized Services )

CC Docket No. 96-149

**BELL ATLANTIC<sup>1</sup> REPLY COMMENTS**

No party disputes that "E911 service is vital to the public safety and well being"<sup>2</sup> or that applying section 272's separation requirements would "encumber Bell Atlantic's ability to provide E911 service."<sup>3</sup> Thus, there is no real dispute that Bell Atlantic's petition for forbearance of those requirements should be granted.<sup>4</sup>

Only two parties even filed comments on Bell Atlantic's petition. One of these parties, AT&T, expressly acknowledges that the "unique nature of the E911 service" supports an

<sup>1</sup> This filing is on behalf of Bell Atlantic-Delaware, Inc.; Bell Atlantic-Maryland, Inc.; Bell Atlantic-New Jersey, Inc.; Bell Atlantic-Pennsylvania, Inc.; Bell Atlantic-Virginia, Inc.; Bell Atlantic-Washington, D.C., Inc.; Bell Atlantic-West Virginia, Inc., and Bell Atlantic Communications, Inc.

<sup>2</sup> *BellSouth Petition for Forbearance from Application of Section 272*, CC Docket 96-149, Comments of Bell Atlantic at 1 (filed Mar. 6, 1996).

<sup>3</sup> Bell Atlantic Petition for Forbearance at 1 (filed Mar. 6, 1996).

<sup>4</sup> Subsumed in Bell Atlantic's petition for relief concerning E911 emergency service is relief for any successor service, including related non-emergency police service using 311. *See The Use of N11 Codes and Other Abbreviated Dialing Arrangements*, CC Docket No. 92-105, First Report and Order, ¶ 35 (rel. Feb. 19, 1997).

“exercise of the Commission’s forbearance authority to allow the integrated provision of E911 service” by Bell operating companies.<sup>5</sup>

The other party filing comments, MCI, does not appear to dispute that forbearance is warranted, and instead limits its comments to a claim that certain non-discrimination requirements should nonetheless apply.<sup>6</sup> Specifically, MCI argues that Bell companies should still be obliged to comply with sections 272(c)(1) and (e). But these statutory provisions by their own terms can not apply in this context. Sections 272 (c)(1), (e)(2) and (e)(4) all deal with the relationship between a Bell operating company and its 272 affiliate, but where a Bell operating company provides E911 service on an integrated basis, there by definition is no relationship between it and the long distance affiliate. And while the Commission has found that sections 272(e)(1) and (e)(3) apply even when there is no separate affiliate involved,<sup>7</sup> both of these latter provisions deal exclusively with the provision of “telephone exchange service” or “exchange access service.” To the extent that E911 is considered a telephone exchange service or access service, it is not an interLATA information service, and therefore no waiver regarding the treatment of previously approved interLATA information services is required. Conversely, to the extent a waiver is required, those provisions do not apply.

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<sup>5</sup> Comments of AT&T Corp. on Bell Atlantic’s Petition for Forbearance at 3 (filed Apr. 21, 1997).

<sup>6</sup> Comments of MCI Telecommunications Corp. on Petitions for Forbearance (dated Mar. 21, 1997, but filed Apr. 21, 1997).

<sup>7</sup> *Implementation of the Non-Accounting Safeguards of Sections 271 and 272 of the Communications Act of 1934*, CC Docket No. 96-149, First Report and Order at ¶ 270 (rel. Dec. 24, 1996).

Regardless, granting Bell Atlantic's petition does not raise any discrimination concern. Bell Atlantic will not discriminate in the provision of E911 service, and indeed cannot do so consistent with its statutory obligations under section 271 of the Act -- obligations that it has not asked the Commission to waive.<sup>8</sup> Nonetheless, the commenters argue that in addition to obtaining nondiscriminatory access to E911 service, competing carriers also should be permitted to obtain and "upload" Bell Atlantic customer data bases for their own use.<sup>9</sup> The unwarranted relief sought in those arguments is unrelated to the manner in which Bell Atlantic provides E911 service, and is beyond the scope of what must be decided under Bell Atlantic's petition.

### **Conclusion**

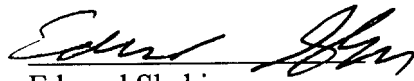
For the foregoing reasons, the Commission should forbear application of section 272 to E911 service.

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<sup>8</sup> *See* 47 U.S.C. § 271 (c)(2)(B)(vii)(I).

<sup>9</sup> *See* MCI Comments at 5; AT&T Comments at 4, n. 6.

Respectfully submitted,

  
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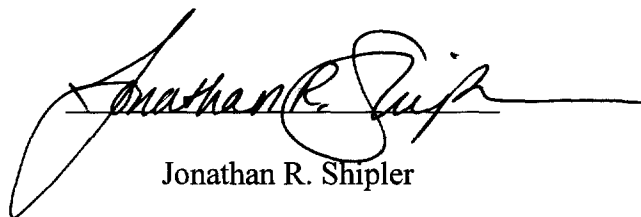
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May 6, 1997

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of May, 1997, a copy of the foregoing "Bell Atlantic Reply Comments" was sent by first class U.S. mail to the parties on the attached list.



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